

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

In the outstanding Official Action, the election/restriction requirement issued April 17, 2003, was made final; the IDS filed on May 4, 2001 was objected to; Claims 1-11 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-2 and 5-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,403,147 to Tanaka; Claims 1-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of U.S. Patent No. 5,401,229 to Otsuka et al.; and Claims 1-2 and 4-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka.

First, Applicants wish to thank Examiner Butler and Supervisory Patent Examiner Walsh for the November 20, 2003 personal interview, at which time the outstanding issues in this case were discussed. During the discussion, Applicants presented amendments and arguments substantially as indicated in this response. While no agreement was reached, the Examiners indicated that amending Claim 1 to include the concept of reconfiguring the first rack may overcome the objection based on Tanaka. This amendment has now been made as will be discussed further below.

With regard to the objection to the IDS filed May 4, 2001, submitted herewith is a copy of the Information Disclosure Statement filed on that date. Applicants note that the copy contained herein is the same as the copy provided in the November 20 interview, and is provided again only for the Examiner's convenience. Applicants further note that the IDS includes a list of references on a PTO form 1449, as well as a "list of related cases" not provided on a form 1449. As noted in the November 20 interview, this "list of related cases" is provided for the Examiner to consider double patenting rejections and is not provided on

the PTO form 1449 because Applicants do not intend for the references listed on the list of related cases to be printed on any patent issuing from this patent application.

With regard to the rejection under 35 U.S.C. § 112, second paragraph, Applicants have canceled Claim 11 and amended Claims 1-12 to clarify the claimed invention and address the language objected to in the outstanding Official Action. Therefore, the rejection under 35 U.S.C. § 112, second paragraph, is believed to be overcome and no further rejection on this basis is anticipated. If, however, the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in an effort to derive mutually satisfactory claim language.

Turning now to the merits, in order to expedite issuance of a patent in this case, Applicants have amended Claim 1 to clarify the patentable distinctions of the present invention over the cited reference to Tanaka. Specifically, Applicants' Claim 1, as amended, recites a system for managing racks used for packing, storing or delivering articles, the racks being assembled from a plurality of rack components stocked at a management center and repeatedly used for packing storing or delivering articles. The system includes a specification unit configured to specify a plurality of first rack components required to assemble a first rack used to pack a first article for delivery to a delivery site and second rack components that are not required to assemble said first rack yet require to assemble a second rack used to pack a second article to be collected from the delivery site when said first article is delivered. Also recited is an instruction unit configured to provide instructions for a delivery procedure for said first article and a collection procedure for said second article, said instructions including direction for assembling said second rack using at least one of said first rack components and said second rack components specified by said specification unit. Thus, Applicants have amended Claim 1 to make clear that the second rack for packing a second

article to be collected from a delivery site is assembled using at least one of the first rack components along with the second rack components.

In contrast, the cited reference to Tanaka discloses a method for storing articles in an automatic storage facility having a primary storage facility and auxiliary storage facilities arranged in parallel relationship to each other. As seen in Figure 1 of Tanaka, the primary storage facility includes a rack system 11 while the secondary storage facility includes rack systems 12 and 13. Articles are stacked on an appropriate one of the rack systems 11-13 according to available storage capacity. While the Tanaka reference refers to first and second rack systems, Applicants respectfully submit that this reference does not relate to a system for managing racks wherein a specification unit specifies a plurality of first rack components required to assemble a first rack used to pack a first article for delivery to a delivery site, and second rack components that are not required to assemble said first rack yet required to assemble a second rack used to pack a second article to be collected from the delivery site when the first article is delivered. Indeed the Tanaka reference does not teach or suggest the use of racks for packing storing and delivering articles to or from a delivery site at all.

Moreover, Tanaka does not disclose an instruction unit configured to provide instruction including directions for assembling the first rack using at least one of the first rack components along with the second rack components specified by the specification unit. That is, the Tanaka reference does not disclose that the second rack used for collecting an article from the delivery site is assembled using parts that were used to assemble the first rack.

Thus, Applicants' Claim 1 patentably defines over the cited reference to Tanaka et al. Moreover, as Otsuka et al. is cited only for the teachings in dependent claims, this reference does not correct the deficiencies of Tanaka. Finally, as Claims 2-10 depend from Claim 1, these claims also patentably define over the cited references.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

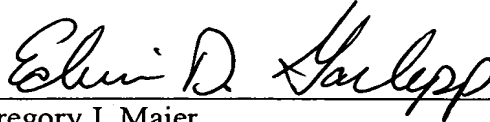
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